

## **DETAILED ACTION**

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Jeff Rothenberg on 11/02/2011.

The application has been amended as follows:

In claim 1, line 4, --adapted-- has been inserted after "flanges".

### ***Allowable Subject Matter***

2. Claims 1-6 and 8-10 are allowed.

3. The following is an examiner's statement of reasons for allowance: In regards to base claim 1, the prior arts fail to disclose in combination with other structural limitations of the claim, a clamp with two arms having opposed gripping jaws supporting and positioning a superelastic osteosynthesis clip, the clip having a web and two flanges, the clamp having first means for preventing jaws from over-opening the clip and second means for preventing jaws from being closed beyond a point which the angle between the flanges and the web is substantially 90 degrees.

The prior arts in US 6,261,296 to Aebi et al. disclosed a spinal disc space distractor having arms, jaws and a mean for holding the arms, jaws at an open position, US 3,041,712 to H. Wurzel disclosed a tool for handling split spring retaining rings

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having arms, jaws and ratchet to keep the jaws in a certain opening position, US7,189,234 to Zucherman et al. disclosed an interspinous process implant size and distractor having arms, jaws and ratchet to keep the jaws in a certain opening position and US 2,222,744 to N. Gallien, Jr disclosed a ring removing device having arms and jaws that when squeeze arms the jaws would open to expand the ring but all theses references fail to disclose a clamp with two arms having opposed gripping jaws supporting and positioning a superelastic osteosynthesis clip, the clip having a web and two flanges, the clamp having first means for preventing jaws from over-opening the clip and second means for preventing jaws from being closed beyond a point which the angle between the flanges and the web is substantially 90 degrees. US 5,141,514 to van Amelsfort disclose an ear tag applicator having arms, jaws and means for prevent the jaws over-opening but fails to teach the means for prevent the jaws to over-open the clip beyond a limited extent at which an angle between the flanges and the web is greater than 90 degrees. These references taken alone or in combination do not anticipate or make obvious applicant's claimed invention.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SON DANG whose telephone number is (571)270-5809. The examiner can normally be reached on Monday-Friday 9:00 AM - 6:00 PM EDT.

If attempts to reach the examiner by telephone are unsuccessful, ***please contact the examiner's supervisor, Corrine McDermott, at (571) 272-4754.*** The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

***If there are any inquiries that are not being addressed by first contacting the Examiner or the Supervisor, you may send an email inquiry to***

***TC3700\_Workgroup\_D\_Inquiries@uspto.gov.***

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. D./  
Examiner, Art Unit 3773

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/Melanie Tyson/  
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